

AMENDMENTS TO THE DRAWINGS

The Final Office Action states the following:

Regarding the Drawings, Applicant asserts that the reference elements of Fig. 1 correspond correctly to the description in the Specification. However, Examiner notes that this does not appear to be the case. For example, paragraph [46] recites "media peripheral 109", when Fig. 1, element 109 depicts a "Broadband Access Headend"; paragraph [46] recites "media processing system 101 ", when Fig. 1, element 101 depicts a "PC" and a media process system is shown as element 102; paragraph [46] recites "media peripheral 103", when Fig. 1, element 103 depicts a "MP"; paragraph [47] recites "media provider 105", when Fig. 1, element 105 depicts a "PC"; paragraph [47] recites "first location or user's home 102", when Fig. 1, element .102 depicts a "MPS" and "Location 1" is shown as element 104. Numerous others of such references occur throughout the Specification, and are not consistent with the labels contained in the drawings. As such, the Drawings are objected to accordingly. Additionally, it is noted that while the drawings filed in replacement of Fig. 3-11 are accepted, it is further noted that the original drawings filed 09/30/03 were not and are still not found to contain "hand-written numbering" as submitted by Applicant as reason for filing the replacement drawings.

See the Final Office Action at page 5. The Applicant points out that, at the time of filing of the present application, FIGS. 1-2 of a related application were erroneously submitted as FIGS. 1-2 of the present application. The Applicant points out that the correct FIGS. 1-2 were submitted with the corresponding provisional application, which the present application claims priority to and incorporates by reference (namely, U.S. Provisional Application Serial № 60/464,711, filed April 23, 2003). Therefore, the Applicant is submitting herewith

Replacement Sheets for FIGS. 1-2, based on FIGS. 1-2 that were submitted in the corresponding U.S. Provisional Application Serial № 60/464,711. Furthermore, since FIGS. 3-11 of U.S. Provisional Application Serial № 60/464,711 contained hand-written numbering, the Applicant submitted Replacement Sheets for FIGS. 3-11 with the September 14, 2007 response.

Two replacement sheets of FIGS. 1-2 are attached following page 18 of this paper. The two replacement sheets are being submitted based on FIGS. 1-2 that were submitted with the corresponding U.S. Provisional Application Serial № 60/464,711. The Applicant points out that no new matter has been introduced by the Replacement Sheets of FIGS. 1-2.

REMARKS / ARGUMENTS

The present application includes pending claims 1-34, all of which have been rejected. By this Amendment, claims 1-5, 7-10, 12-16, 18-21, 23-27, and 29-32 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. Claims 6, 17, and 28 have been cancelled. The Applicant respectfully submits that the claims define patentable subject matter.

The drawings were objected to because the reference element numbers allegedly do not match the description in the Specification. Claims 1-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0124258, issued to Fritsch (hereinafter, Fritsch). The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Objections to the Drawings

The drawings were objected to because the reference element numbers allegedly do not match the description in the Specification. See the Final Office Action at page 2.

The Examiner is referred to the "Amendments to the Drawings" section above, where it is explained that Replacement Sheets of FIGS. 1-2 are being submitted herewith. The Applicant points out that the Replacement Sheets of

FIGS. 1-2 address all the informalities pointed out in page 2 of the Final Office Action.

The Applicant points out that no new matter has been introduced by the Replacement Sheets of FIGS. 1-2 and submits that the objection to the drawings should now be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

II. Fritsch Does Not Anticipate Claims 1-34

The Applicant now turns to the rejection of claims 1-34 under 35 U.S.C. 102(e) as being anticipated by Fritsch. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Independent Claims 1, 12, and 23

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Fritsch does not disclose or suggest at least the limitation of “wherein said automatic transfer is controlled by utilizing at least a first rule,” as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

Fritsch disclosed the method and system comprising controlling said automatic transfer by utilizing at least a second rule (see paragraph [0033], [0037]).

See the Final Office Action at page 4 (in reference to Applicant’s claim 6, which is now incorporated into claim 1). The Examiner is relying on paragraphs 0033 and 0037 of Fritsch for support. Paragraph 0033 of Fritsch discloses a media delivery center 300 (FIG. 3A of Fritsch), which receives media program content 302 from a source or content provider or from a media storage device. Paragraph 0037 of Fritsch discloses a replay of cached programs, i.e., it describes processing of media content that has already been received by the media delivery center. Since paragraph 0037 of Fritsch does not describe how media content is transferred to the media center 300 and how the transfer is controlled, the Applicant submits that the Examiner cannot rely on ¶ 0037 of Fritsch for support.

In reference to ¶ 0033 of Fritsch, the Applicant points out that Fritsch does not disclose or suggest that the transfer of the content 302 is controlled in any way by a rule. In fact, paragraph 0033 of Fritsch, as well as the remaining portions of

Fritsch, does not disclose or suggest any details as to how the media content 302 is transferred to the media center 300.

Therefore, the Applicant maintains that Fritsch does not disclose or suggest at least the limitation of “wherein said automatic transfer is controlled by utilizing at least a first rule,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Fritsch and is allowable. Independent claims 12 and 23 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 12 and 23 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-5, 7-11, 13-16, 18-22, 24-27, and 29-34

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 12 and 23 under 35 U.S.C. § 102(e) as being anticipated by Fritsch has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-5, 7-11, 13-16, 18-22, 24-27, and 29-34 depend from independent claims 1, 12 and 23, respectively, and are, consequently, also respectfully submitted to be allowable.

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The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-5, 7-11, 13-16, 18-22, 24-27, and 29-34.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-5, 7-16, 18-27, and 29-34 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 15-JAN-2008

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